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TAGS: [PGOV](#) [PREL](#) [KJUS](#) [KCRM](#) [PTER](#) [ES](#)
SUBJECT: EL SALVADOR TOUGHENS PUBLIC DISTURBANCE LAWS

REF: A. SAN SALVADOR 1485

[1](#)B. SAN SALVADOR 1611

[1](#)1. (U) Summary: On August 16, the Salvadoran Legislative Assembly passed amendments to key crime legislation that will increase penalties for public disturbance. The party-line vote was contentious, and the ruling ARENA party, which promoted the legislation, was unable to garner the support of its usual voting coalition. The timing of this legislation is delicate in that the government has recently come under attack from the opposition and from U.S.-based human rights NGO's for prosecuting the Suchitoto defendants under the terrorism law (reftel A). End Summary

[1](#)2. (U) By a bare majority of 43 votes, the Legislative Assembly voted August 16th to amend article 348 of the penal code and article 294 of the criminal procedure code to increase prison sentences for public disturbance. The maximum prison sentence for public disturbance was raised from two to ten years. The law also modifies the criminal procedure code to prevent release of suspects on bail and also eliminates early prison release programs for those sentenced under public disturbance laws. The governing ARENA party's 34 deputies were joined by nine National Conciliation Party (PCN) deputies to pass the legislation. These modifications to the law are the Government's answer to the FMLN's apparent resort to violent street demonstrations against GOES policies it opposes.

[1](#)3. (U) The six Christian Democratic Party (PDC) deputies, who tend to support ARENA's policies, abstained from the vote on the grounds that the amendments amounted to an unacceptable restriction on freedom of expression and assembly--the same view promoted by the FMLN. ARENA claims that the amendments are in keeping with the intent of the constitution, which protects freedom of expression and assembly as well as public order and the well-being of Salvadoran citizens.

[1](#)4. (SBU) Comment: The opposition is almost certain to challenge the new laws in the Constitutional Chamber of the Supreme Court, but it is unlikely that the justices will overturn the legal reforms. This vote should be seen in the context of the increasingly contentious and polarized ARENA-FMLN discourse on law and order as the country heads towards the 2009 elections. The PDC defections on this vote demonstrate the increasing unease at the center on crime and human rights issues. As in the Belloso case (reftel B), the ruling ARENA party continues its push to demonstrate a commitment to public security and law and order. The inability to get the PDC on board, however, demonstrates ARENA's failure so far to make this strategy attractive to its current and future coalition partners.
Glazer